

**REMARKS**

Claim 5 has been amended has been amended, e.g., based on the disclosure at the last line on page 5 to page 6, line 15 in the specification. Claim 12 has been amended in view of the amendment of claim 5. The composition recited in the method of claim 16 has been amended in the same manner as claim 5. Claim 23 has been amended in view of the amendment of claim 16. Claim 24 has been amended in a manner corresponding to the language of claim 13. Claim 25 has been amended so that it is in independent form. Claim 27 has been amended in view of the amendment of claim 5. Claim 28 has been amended to depend from claim 25. Claim 29 has been added based on the disclosure at page 6, lines 16-17. Claim 30 has been added as an independent method claim corresponding to independent product claim 25, and dependent method claims 31-34 have been added corresponding to dependent product claims 26-29.

Entry of the above amendment is respectfully requested.

**Interview with Examiner**

Applicant thanks the Examiner for the personal interview held with Applicant's representative on December 22, 2009. Applicant believes that the interview was helpful in advancing the prosecution of this application. A Statement of Substance of Interview is being submitted herewith.

**Obviousness Rejections**

On page 2 of the Office Action, claims 5-15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al (US 5,969,867). Further, on page 3 of the Office

Action, claims 16-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al (US 5,969,867).

In response, Applicant notes initially that the rejected claims have been amended so that "consisting of" language is recited in connection with the composition.

That is, the rejected claims include a recitation of a composition consisting of unsaturated group-containing monomers and optionally one or more components selected from a particular Markush group, wherein the unsaturated group-containing monomers consist of:

- (a) the component (A) and the component (B), or
- (b) the component (A), the component (B), and the component (D).

The component (D) includes neither bis(4-methacryloylthiophenyl) sulfide (MPSMA), nor a compound represented by general formula I described in US 5,969,867.

Therefore, the amended claims exclude a situation that comprises MPSMA or a compound represented by general formula I described in US 5,969,867, and thus US 5,969,867 does not teach nor suggest the present invention.

Moreover, as described in paragraph [0067] and Examples (especially Table 2) in US 2007/0043143 A1 (the publication of the present application), a composition of the present invention is excellent in workability at room temperature, and gives a cured article having a high refractive index, as well as a good light transmittance and further low water absorption to exert an excellent dimensional stability, and a composition of the present invention can be suitably used for optical elements such as a lens sheet and plastic lens for which a high refractive index, high light transmittance, high dimensional stability and the like are required.

Furthermore, in the Rule 132 Declaration submitted on May 4, 2009, Applicant showed that the compositions including MPSMA were poor in workability, and that the compositions of the present invention were excellent in workability.

Since the Examiner has indicated that the Declaration shows unexpected results over a composition comprising MPSMA compound (see page 4 of the Office Action), Applicant submits that the present invention is not obvious over Fukushima for this additional reason.

Thus, Applicant submits that the present invention is not obvious over Fukushima, and withdrawal of these rejections is respectfully requested.

#### **Allowable Subject Matter**

On page 5 of the Office Action, the Examiner has objected to claims 25-26 and 28 as being dependent upon a rejected base claim, but has indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant thanks the Examiner for indicating that claims 25-26 and 28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the Examiner's indication, Applicant has rewritten claim 25 in independent form including all of the limitation of the base claim (there are no intervening claims) and has amended claim 28 so that it depends from claim 25. Since claim 25 is in independent form as set forth above, and since claims 26 and 28 depend from claim 25, Applicant submits that this objection has been overcome, and withdrawal of this objection and

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allowance of claims 25-26 and 28 is respectfully requested. Also, allowance of claims 30, 31 and 33 on the same basis is respectfully requested.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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